

REMARKS/ARGUMENTS

The undersigned greatly appreciates the courtesies extended by Examiner Khoi Tran during the personal interview at the United States Patent and Trademark Office on May 17, 2007. A proposed claim amendment and the prior art Yamada patent were discussed during the interview.

Claims 1-16 in the case are pending. Claims 1-16 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Yamada et al. (US Patent No. 4,727,419).

To further distinguish the claimed invention from the art cited, base Claims 1 and 12 are amended herein to state that the identification mark on the wheel is electronically read *on-the-fly without stopping downstream movement of the vehicle wheel*. This language distinguishes the claimed method and system from Yamada in that according to Yamada, the tire must be stopped in order to read the identification mark. Stoppage of the tire in Yamada requires use of additional sensors (e.g., "arrival sensor 11") and actuators (e.g., "centering device 12"), and precise movement/location of tire is needed for accurate detection/reading.

Applicant further notes the various locations of the identification marks recited in dependant Claims 8-11. Newly added Claim 17 states that the identification mark is located on an area of the wheel selected from a group consisting of *a circumference of the vehicle wheel, a rim barrel of the vehicle wheel, and a rim flange of the vehicle wheel*.

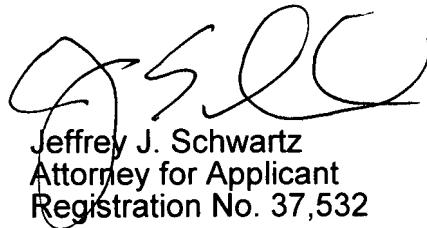
Applicant intends to invoke §112, 6th paragraph construction of means-plus-function clauses used in Claims 12-17. These means-plus-function clauses are intended to cover the structures described herein as performing the recited function and not only structural equivalents, but also equivalent structures. Thus, although a nail and a screw may not be structural equivalents in that a nail employs a cylindrical surface to secure wooden parts

SERIAL NO.: 10/565,053
APPLICANT: Smyth, Larry C.
Page 7

together, whereas a screw employs a helical surface, in the environment of fastening wooden parts, a nail and a screw may be equivalent structures.

For all these reasons discussed above, Applicant submits that all of the claims in the case are now in condition for allowance. Such action is therefore respectfully requested at an early date. If the Examiner believes that issues remain for discussion, he is invited to contact the undersigned at the telephone number indicated below.

Respectfully submitted,



Jeffrey J. Schwartz
Attorney for Applicant
Registration No. 37,532

Jeffrey J. Schwartz
Schwartz Law Firm, P.C.
SouthPark Towers
6100 Fairview Road, Suite 1135
Charlotte, North Carolina 28210
Tel: 704-552-1889
Fax: 704-552-1866
Email: jjs@schwartz-iplaw.com